


## CHAPTER 10

### SERVICE ANIMALS

The Americans with Disabilities Act describes a service animal as any "guide, signal or service dog, or other animal individually trained to provide assistance to an individual with a disability." A service animal is sometimes called an "assistance animal."

Hawaii Revised Statutes §515-3 provides the following definitions:

- A "guide dog" assists a person who is blind or who has low vision. The animal provides mobility guidance within the community.
- A "signal (hearing) dog" assists people with hearing loss. The animal may perform functions such as alerting persons to sounds such as the doorbell or the telephone ringing.
- A "service dog" or "service animal" assists people with mobility and other disabilities. The animal may assist people with mobility impairments by pulling wheelchairs, picking up items, carrying items or assisting persons with balance.

 Refer to **ATTACHMENT P** for information on service animals in the State of Hawaii.

A service animal is NOT a pet. As a state agency, if you have a "no pets policy", you must modify your policy to allow the use of a service animal by a person with a disability. This does not mean that the "no pets" policy must be abandoned altogether, but simply that an exception must be made to your general rule for service animals.

EXAMPLE: The Department of Accounting and General Services operates places of voting for elections. Even if pets are not permitted by policy, there must be a modification of the policy to permit service animals.

EXAMPLE: The cafeteria of the Kapiolani Community College allows faculty, students, and public guests to eat on an individual pay basis. Even if pets are not permitted by policy, there must be a modification of the policy to permit service animals.

EXAMPLE: The Department of Land and Natural Resources operates camping facilities. Pets are not permitted. However, there must be a modification of the rule to permit service animals.

A service animal must be permitted to accompany the individual with a disability to all areas of your facility where the public is normally allowed to go. An individual with a service animal may not be segregated from other people. Limitations are rare and only for those areas where health and safety may be compromised or where

doing so would result in a fundamental alteration of the nature of the program, activity, or service.

EXAMPLE: The Department of Education is hosting a performance in the auditorium of a high school. A person with a disability brings his or her assistance animal. However, the animal is disruptive by uncontrolled barking during the performance. The owner may be asked to remove the animal from the premises.

EXAMPLE: The Hawaii Health Systems Corporation provides in-patient medical services. A patient who is in labor in the operating room is coached through Lamaze by her husband who has a disability. However, the presence of the animal in the operating room poses a direct threat to the health of others. The owner may be asked to remove the animal from the restricted area of the hospital.

A deposit, maintenance fee, or surcharge may not be imposed on an individual with a disability as a condition for allowing a service animal to accompany the individual, even if deposits are routinely required for pets. However, a person with a disability may be charged if a service animal causes damage so long as it is a regular practice to charge non-disabled customers with no disabilities for the same types of damages.

EXAMPLE: The University of Hawaii operates classrooms for post-secondary instruction. A person with a disability is allowed to bring a service animal to the class. However, the animal jumps on the tables in a laboratory and breaks equipment. The owner may be asked to remove the animal from the premises. The owner may also be asked to pay for the damages caused by the animal, if it is the policy of the University to charge other students who break equipment when they cause damages.

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### **CHECKLIST FOR ENSURING A FACILITY OR SITE IS ACCESSIBLE TO PEOPLE WITH SERVICE ANIMALS**

YES NO

\_\_\_ \_\_\_ Does the facility where your program or service is offered have a "no pets policy"?

\_\_\_ \_\_\_ If YES, is there an exception for service animals?

\_\_\_ \_\_\_ Does the staff know how to approach and interact with individuals with service animals?

\_\_\_ \_\_\_ Does the facility have a designated area for a person with a disability to take a service animal to relieve itself?

\_\_\_ \_\_\_ Does the department or agency have a policy which requires the public to pay for damages incurred as a result of their negligence or intent?